

REMARKS

Claims 7, 11-14, 19, 20, 22-25, 29-37, 39-42, and 46-53 were pending in the present application as of the date of the final Office Action.

The Examiner has rejected all of the pending claims under 35 U.S.C. § 112, first paragraph. The Examiner also has rejected all of the pending claims under 35 U.S.C. § 112, second paragraph. The Examiner has rejected claims 7, 11, 13, 20, 22-24, 29-31, 33, 36-37, 39-41, 46-48, 50, and 53 under 35 U.S.C. § 102(a) as anticipated by USP 6,477,552 (Ott '552). Applicant respectfully traverses all of these rejections, and requests reconsideration and allowance of the claims in view of the following remarks.

- The Telephone Interviews

First, Applicant thanks the Examiner for the courtesies extended during the telephone interviews conducted February 19 and March 9, 2009. The interviews focused on § 112 issues (particularly on the meaning of “free” bit and “empty” bit) and on the prior art rejections.

Applicant believes that the foregoing amendments, in view of the discussion during the interviews, address all outstanding points, so that the application should be in condition for allowance.

- The § 112 Rejections

Applicant understands that the free bit/empty bit discussion in the last response, coupled with the discussion with the Examiner during the interviews, resolved the outstanding § 112 issues. During one of the conversations, the Examiner referred to Fig. 6, and particularly to elements 601 (allocation register), 650 (next free bit finder, the detail of which is in Fig. 2), and 605 (allocation SRAM), and suggested that the claims should contain some reference to all of

these elements. Looking at the recitations currently in the claims, the language reads on the structure of Fig. 2. At paragraph [55] on page 11 of the specification, for example, it is stated that the next free bit finder 650 is the apparatus shown in Fig. 2.

Since the claims read on the structure in Fig. 2, it is believed that the claims adequately refer to the next free bit finder in Fig. 6. The rest of the allocation register and the allocation SRAM are not mentioned in any of the claims, and so are not believed relevant to the issue.

Applicant submits that these amendments and the accompanying discussion should address the rejections under 35 U.S.C. § 112, first paragraph and second paragraph, and accordingly respectfully requests that the Examiner reconsider and withdraw this rejection.

- The Prior Art Rejection

Finally, turning to the prior art rejection, Applicant has rewritten claims 12, 14, 19, 25, 32, 34, 35, 49, 51, and 52 in independent form, incorporating the recitations of all of the claims from which they depend, either directly or indirectly. The Examiner did not reject these claims on prior art. Consequently, Applicant submits that these claims are allowable, as are their dependencies (claims 36, 39, 40, and 53).

Request for Allowance

It is believed that this Amendment places the application in condition for allowance, and early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Application No. 10/678,523
Amendment Under 37 C.F.R. §1.116 dated March 12, 2009
Final Office Action mail date: January 7, 2009

Atty. Docket No. MP0267 (13298/11)

PATENT APPLICATION

The Office is hereby authorized to charge any fees, or credit any overpayments, to
Deposit Account No. **11-0600**.

Respectfully submitted,
KENYON & KENYON LLP

Dated: March 12, 2009

By: /Frank L. Bernstein/
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